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LOK SABHA

The following Bills were introduced in Lok Sabha on the 14th August, 1959:—

BILL No. 40 OF 1959

A Bill to provide for more effective protection of the Scheduled Castes, Scheduled Tribes and other backward communities from change of religion forced on them on grounds other than religious conviction.

WHEREAS it is expedient to provide for more effective protection of the Scheduled Castes, Scheduled Tribes and other backward communities of the Indian Union from change of their religion brought about on grounds other than religious conviction by covert or overt compulsion;

Be it enacted by Parliament in the Tenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Backward Communities (Religious Protection) Act, 19 .

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different areas.

2. In this Act, unless the context otherwise requires,—

(a) "backward community" means any body of persons declared as such in any area by the State Government;

Short title,
extent and
commencement.

Definitions.

(b) "District Magistrate" means the District Magistrate of the District where person concerned resides, and shall include any magistrate subordinate to the District Magistrate specially authorised in this behalf;

(c) "religion of Indian origin" means—5

(i) Hindu religion in any of its forms or developments including Virashaiva, Lingayat or Brahmo, Prarthna or Arya Samaj;

(ii) Buddhist, Jaina or Sikh Religion;

(iii) any religion other than Muslim, Christian, Parsi ¹⁰ or Jew;

(d) "Scheduled Castes" and "Scheduled Tribes" shall have the meaning assigned to them in the Constitution.

**Change of
religion.**

3. (1) No change of religion of any person belonging to Scheduled Castes, Scheduled Tribes or a backward community shall be effected ¹⁵ except after:—

(i) he has filed a written statement before the District Magistrate of his District to the effect that he is changing the religion out of free will with no motive other than religious conviction; and20

(ii) the District Magistrate after due enquiry has given a finding that the contemplated change of religion is out of free will motivated by religious conviction only and is not the result of any covert or overt pressure of circumstances brought on him in other spheres of life.25

(2) All such changes of religion shall be registered in a register kept for the purpose:

Provided that nothing in this section shall apply to any change of religion of any person whereby he takes to his ancestral religion or any religion of Indian origin.30

Punishment.

4. Whoever effects, or performs, conducts or directs any ceremony effecting any change of religion contrary to the provisions of section 3 shall be punishable with imprisonment of either description for a term which may extend to three months or with fine which may extend to one thousand rupees or with both.35

STATEMENT OF OBJECTS AND REASONS

The object of the Bill is to protect the members of Scheduled Castes, Scheduled Tribes and Backward Classes from proselytising activities of foreign Christian missionaries in this country. Religious conversions are often resorted to in order to achieve objectives which are improper. The activities of these missions have been the subject matter of enquiry by two Committees called Niyogi Committee and Rege Committee appointed by the Governments of old Madhya Pradesh and Madhya Bharat respectively and presided over by eminent ex-Judges of the High Court. The findings of the Committees have been agitating public mind and have been a cause of public tension also.

As the backward sections of the society have to be afforded protection from all kinds of exploitation and as religious exploitation is no less dangerous than economic exploitation, this Bill is intended to protect them from such exploitation.

NEW DELHI;

PRAKASH VIR SHASTRI.

The 8th April, 1959.

BILL No. 43 OF 1959

A Bill further to amend the Displaced Persons (Compensation and Rehabilitation) Act, 1954.

Be it enacted by Parliament in the Tenth Year of the Republic of India as follows:—

Short title and commencement. 1. (1) This Act may be called the Displaced Persons (Compensation and Rehabilitation) Amendment Act, 19⁵⁹.

(2) It shall come into force at once.

Amendment of section 24. 2. In section 24 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, after sub-section (1), the following proviso shall be inserted, namely:—

44 of 1954.

“Provided that no order shall be made cancelling an allotment of property after six months of the grant of such allotment.”

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STATEMENT OF OBJECTS AND REASONS

Under Section 24 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 the Chief Settlement Commissioner has wide powers of revision of orders passed by subordinate authorities mentioned therein including cancellation of grant of allotment conferring proprietary rights in regard to any property. There is no limitation of period prescribed for the exercise of such power by the Chief Settlement Commissioner. Under the circumstances allotment of proprietary rights granted to the displaced persons has no finality.

This Bill seeks to prescribe a time limit during which the Chief Settlement Commissioner can cancel the 'Sanad' on the application of aggrieved party or *suo motu*.

AJIT SINGH SARHADI.

NEW DELHI;

The 2nd June, 1959.

BILL No. 42 OF 1959

A Bill further to amend the Representation of the People Act, 1951.

BE it enacted by Parliament in the Tenth Year of the Republic of India as follows:—

**Short title
and commen-
cement.**

1. (1) This Act may be called the Representation of the People (Amendment) Act, 19

(2) It shall come into force at once.

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**Amendment
of section
81.**

2. In section 81 of the Representation of the People Act, 1951 (hereinafter called the principal Act), after sub-section (2) the following sub-section (3) shall be added:—

“(3) Within two days of the presentation of the petition under sub-section (1), the petitioner shall send by registered post to a copy of the petition to the respondents.”

**Amendment
of section
82.**

3. In section 82 of the principal Act, the following sub-section (c) shall be added:—

“(c) Returning Officer, if the Petitioner claims avoidance of the election on account of the conduct of the Returning Officer.” 15

**Amendment
of section
86.**

4. For section 86 of the principal Act, the following section shall be substituted, namely:—

**Election
Court.**

“86. (1) If the petition is not dismissed under section 85, the Election Commissioner shall cause a copy thereof to be published

in the Official Gazette and a copy to be served by post on each respondent and shall then thereafter refer the petition to the High Court having jurisdiction over the constituency to which it relates.

5 (2) The election petition shall be tried by a Judge of the High Court to whom the Chief Justice may refer the election petition for trial;

The Judge presiding at the trial of election petition is herein-after referred to as Election Court.

10 (3) The Election Court shall subject to the provisions of this Act have the same power, jurisdiction and authority as the High Court with original jurisdiction and shall be a Court of Record.

(4) The place of trial shall be within the constituency for which the election was held:

15 Provided that the Election Court being satisfied that special circumstances exist rendering it desirable that the petition should be tried elsewhere, fix the headquarter or some other place for the trial.

20 (5) The Election Court may adjourn the trial place from one place to another within the constituency."

5. The words "Election Court" shall be substituted for "Election Tribunal" wherever it occurs in the Act.

Substitution
of the words
"Election
Court" for
"Election
Tribunal".

6. Sections 88 and 89 of the principal Act shall be omitted.

Omission of
sections 88
and 89.

7. For section 116-A of the principal Act, the following section 25 shall be substituted:—

Amendment
of section
116-A.

"116-A. (1) An appeal shall lie from every order made under section 98 or 99 to the High Court to be heard by two or more judges of the High Court if the Election Court certifies that the case is a fit one for appeal:

Appeal aga-
inst the
order of
Election
Court.

30 Provided further that if the High Court has not two judges to hear such appeal, it shall be sent to the Election Commission who will forward it to the High Court of a contiguous State for disposal in accordance with law.

35 (2) When the Election Court refuses to give such certificate, two or more Judges of High Court to whom the application for special leave to appeal is referred may, if they are satisfied that the case involves a substantial question of law or the order otherwise is perverse, grant special leave to appeal for such an order.

(3) Every appeal under this Chapter shall be preferred within a period of thirty days from the date of the order of the Election Court under section 98 or section 99:

Provided that the High Court may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that the appellant had sufficient cause for not preferring the appeal within such period! 5

(4) Where an appeal has been preferred against an order made under clause (b) of section 98, the High Court may, on sufficient cause being shown, stay operation of the order appealed 10 from, and in such a case the order shall be deemed never to have taken effect under sub-section (1) of section 107.

(5) Every appeal shall be decided as expeditiously as possible and endeavour shall be made to determine it finally within three months from the date on which the memorandum of appeal is 15 presented to the High Court."

STATEMENT OF OBJECTS AND REASONS

It has been found by experience that the decisions of election petitions before the Election Tribunals are very much delayed. This delay may be lessened by entrusting the petition to Judges of High Court where the trial will be more expeditious and inspire greater confidence.

When the petition will be heard by the Judge of High Court as Election Court, the right of appeal should also be limited to the extent proposed in the amendment. It is also necessary that the respondents should have notice of the election petition to enable them to submit their representation to the Election Commission before its decision about compliance of sections 81, 82 and 117.

Hence this Bill.

NEW DELHI;

AJIT SINGH SARHADI.

The 25th June, 1959.

BILL No. 41 OF 1959

A Bill further to amend the Code of Criminal Procedure, 1898.

BE it enacted by Parliament in the Tenth Year of the Republic of India as follows.—

**Short title
and com-
mencement.** 1. (1) This Act may be called the Code of Criminal Procedure (Amendment) Act, 19

(2) It shall come into force at once. 5

**Amendment
of section
488.** 2. In section 488 of the Code of Criminal Procedure, 1898,—

V of 1898.

(a) for the word “child” wherever it occurs, the words, “daughter or son” shall be substituted.

(b) in sub-section (4), for the words “if she is living in adultery”, the words, “if she had sexual intercourse with any person other than her spouse” shall be substituted. 10

STATEMENT OF OBJECTS AND REASONS

There is conflict of authorities on the interpretation of the word "child" in section 488. Some High Courts are of the view that the child signifies minor daughter or son who has not reached the age of majority whereas some High Courts are of the view that "unable to maintain" is the main condition without reference to the age of child. In order to clarify the confusion and conflict the word "child" is proposed to be substituted by "daughter or son" in order to enable grant of maintenance if they are unable to maintain themselves.

The Hindu Marriage Act, 1955 permits either party to claim judicial separation if the other party after the solemnization of the marriage has sexual intercourse with any person other than his or her spouse. It is but proper that there should be similar provision in section 488 of the Code of Criminal Procedure and the wife should be entitled to maintenance only if she maintains a clean moral life.

Hence this Bill.

NEW DELHI;
The 25th June, 1959.

AJIT SINGH SARHADI.

BILL No. 45 OF 1959

A Bill to provide for raising of certain presumptions in cases of undue delay in the disposal of matters in offices and departments of the Government.

BE it enacted by Parliament in the Tenth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Undue Delay and Presumption of Corruption Act, 19

(2) It extends to the whole of India except the State of Jammu & Kashmir.

(3) It shall come into force at once.

Penalty for
delay.

2. Whoever causes undue delay in the disposal of cases pending before him shall be liable on conviction to imprisonment of either description for a term extending to six months.

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Presumption
by Court.

3. Whenever a Court is satisfied on a complaint before it that unduly long time has been taken by an officer or the staff in disposing of matters in which the common man is interested it shall presume that there was intention and attempt to force illegal gratification out of it.

15

Explanation.—The presumption above referred to shall be liable to rebuttal like other presumptions by cogent and convincing evidence.

4. Where the Court is of opinion on the evidence before it that it Reference of
is a fit case for being referred to Head of the Office or Department ^{the case to} the Head of concerned, it may, instead of penalising the delinquent, send the ^{case to} Office for disposal to the Head of the concerned Office or Department and call for a report on the action taken.

5. It shall be competent for the Court to enhance the punishment ^{Competence of the Court to enhance the punishment.} provided for above and to double the quantum thereof in cases of second and subsequent convictions.

STATEMENT OF OBJECTS AND REASONS

Experience has shown that one of the ways in which corruption flourishes in offices and departments is causing undue delay in disposal of even simple cases requiring quick handling. The result is that the persons concerned have to pay illegal gratification to avoid delay and ensure expeditious disposal of cases. It is obviously desirable that the scope for such practices should be eliminated. The Bill seeks to provide for presumption in such cases and penalise the delay when established.

NEW DELHI;

The 5th July, 1959.

JHULAN SINHA.

BILL No. 54 OF 1959

A Bill to restrict the use of Catholic Church for political purposes and the participation of ecclesiastic personnel of the Catholic Church in political activity.

BE it enacted by Parliament in the Tenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Catholic Church Premises and Ecclesiastic Order (Restriction of Political Activity) Act, 19<sup>Short title,
extent and
commencement.</sup>

5 (2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

^{Definitions.}

10 (1) “Catholic Church” means a Church, a Chapel, a Shrine or any other place of worship used by any order or denomination of the Roman Catholic Church for the purpose of worship, prayer, baptism, confessions, mass and/or other common religious functions.

15 (2) “Church premises” means any place in or around a Catholic Church including the pulpit, the prayer hall, the quadrangle, the compound of the Catholic Church, the cemetery,

the residences and offices of the Vicars, the Mother-Superiors, the Bishops, the Archbishops or the Cardinals, the Seminaries, the Convents, etc. and/or any such other buildings, compounds, enclosures or open spaces which are primarily meant for conducting religious functions, prayers or for religious training or for the residences and offices of the functionaries of the Catholic Church.

(3) "political activity" means—

- (i) any activity in favour of or against any Government;
- (ii) any activity in favour of or against any political Party or Group;
- (iii) propagation of political views.

(4) "resources" means funds and/or other properties including printing press, newspapers, Journals owned by or on behalf of the Catholic Church.

Use of Catholic Church or its premises for political activity. 3. (i) Any Catholic Church and/or any church premises or resources shall not be used for any political activity.

(ii) No Cardinal, Archbishop, Bishop, Vicar, Mother-Superior, Nun, Brother or other dignitary, functionary or officer of the Catholic Church shall in his or her capacity as a functionary of the Catholic Church or by using his or her ecclesiastic position or title take part in or encourage any political activity.

Warning to persons for political activity and forfeiture of publications by the Government. 4. (i) Any person who uses any Catholic Church or the Church premises or resources for any political activity in violation of section 3 shall be liable to be warned by the appropriate Government and his name together with the warning shall be published in the official Gazette.

(ii) Any Cardinal, Archbishop, Bishop, Vicar, dignitary, functionary, or officer of the Catholic Church who takes part in or encourages any political activity in violation of section 3 shall be liable to be warned and his name together with the warning shall be published in the official Gazette.

(iii) All hand bills, pamphlets and other publications containing appeal or statement in violation of section 3 shall be liable to be seized by the Government and forfeited.

STATEMENT OF OBJECTS AND REASONS

It has been noticed that the Catholic Church and its ecclesiastic personnel are engaging themselves in political activities.

This is contrary to the concepts of a secular State. It has become necessary to restrict such political activities in the paramount interests of the secular State. Restriction on such political activities is also provided for by article 25(2) (a) of the Constitution. The Bill seeks to impose minimum restriction.

New Delhi;
The 13th July, 1959.

T. B. VITTAL RAO.

BILL No. 47 of 1959

A Bill further to amend the Representation of the People Act, 1951.

Be it enacted by Parliament in the Tenth Year of the Republic of India as follows:

Short title, extent and commencement. 1. (1) This Act may be called the Representation of the People (Amendment) Act, 19

(2) It extends to the whole of India, except the State of Jammu & Kashmir.

(3) It shall come into force at once.

Insertion of new section 2. After section 7 of the Representation of the People Act, 1951, the following new section shall be inserted, namely:— XLIII of 1951.

“7A. A person shall be disqualified for being a member of the House of the People or the Legislative Assembly of a State, if at any time after his election, a two-third majority of the voters on the electoral rolls of the constituency from which he has been elected, demands, in such manner as may be prescribed by the Election Commission, in this behalf, the resignation of the member concerned; and after the expiry of fifteen days of the notification of such valid demand in the appropriate Gazette, the person so disqualified shall cease to be a member of the House of the People or the Legislative Assembly of a State.” 15 20

STATEMENT OF OBJECTS AND REASONS

According to the existing laws a person who is elected either to the House of the People or to the Legislative Assembly of a State continues to remain a Member of the House of the People or the Legislative Assembly of that State irrespective of his actions subsequent to his election. The electorate have no effective remedy even when their representative in the Legislature or the Party to which he belongs, violates the pledges and promises made to the people at the time of the election and forfeits the confidence of the electorate. The continuance of such a person as a Legislator weakens the representative character of the Legislature and offends against the sound principles of democracy. This anomaly in our Parliamentary system should be removed by giving the electorate the right to recall their representatives in a Legislature. The present Bill seeks to achieve this objective by providing for the disqualification of an elected member when two-thirds of the voters in his constituency have lost confidence in him and express lack of confidence in a definite manner.

NEW DELHI;

T. B. VITTAL RAO.

The 13th July, 1959.

M. N. KAUL,

Secretary.

